



2. The State of California has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

3. This Order requires the Respondents to undertake and complete emergency removal activities to abate an imminent and substantial endangerment to the public health and welfare or the environment that may be presented by the actual or threatened release of hazardous substances at the Nu-Way Plating facility, 1805 Sichel Street, Los Angeles, Los Angeles County, California ("the Site").

## II. FINDINGS OF FACT

Based on available information, including the Administrative Record in this matter, EPA hereby finds:

### 1. Site Location

The Nu-Way Plating Shop is an abandoned electroplating and polishing facility that operated from approximately 1971 through 1992 at 1805 Sichel, Los Angeles, California, described as Lots 21, 23 and 25 in Block 6 of Moulton Tract per map recorded in Book 7, Page 12 of Miscellaneous Records in the Office of the County Recorder of Los Angeles County, California. The Site is situated in a mixed light industrial, commercial, and residential neighborhood. There are residences located immediately adjacent to the facility.

### 2. Site Characteristics

The Site includes a one-story, cinder block building on a concrete slab (the plating shop) and a fenced asphalt storage yard. The building has a large main room and smaller rooms for storage and offices. There are large holes in the skylights on the roof, allowing rainwater to accumulate on the floor of the building. There are no berms to prevent run-off from the property. The floor of the building itself is contaminated by hazardous chemicals. A substantial coating of heavy metal dust is found throughout the structure. Staining is visible on the asphalt in the storage yard, indicative of a historic and ongoing release. The windows of the facility are covered by iron bars

and the storage yard is surrounded by a fence. However, the fence has been breached and several doors to the facility have been damaged and left open. As summarized more fully in paragraph 5 below, there are numerous containers of plating wastes stored in unstable conditions throughout the facility, all of which pose a substantial threat of release.

### 3. Respondents

Ownership of the Site is divided between the Estate of Louis Cerrotta (50%), the Estate of Carmela Caiazzo (25%), and the Trust of Gaetano Caiazzo (25%). Martha DeAngelis and Rose Cerrotta are the Executors and Trustees for these entities and are the Respondents in their representative capacities as Executors and Trustees.

### 4. Incident/Release Characteristics/Prior Enforcement

In December 1994, the Los Angeles County Fire Department, Hazardous Materials Division, requested EPA's assistance in conducting an assessment of the Site which had apparently been abandoned for several years. On or around December 9, 1994, EPA On-Scene Coordinator Donn Zuroski visited the Site and observed numerous drums and containers of plating wastes stored outside, adjacent to the building. Many of these containers were observed to have open tops or to be leaking onto the ground, a situation exacerbated by heavy rainfalls. Moreover, there was a hole in the fence and a homeless person was observed to be living in the facility. At that time, Mr. Zuroski patched the fence and covered several open drums with plywood in order to temporarily stabilize the area.

Also at that time, Mr. Zuroski issued oral Notice of Federal Interest to Respondent Martha DeAngelis and requested that she immediately institute Site stabilization and security measures. This notice was communicated to Mrs. DeAngelis, her probate attorney, Leon Katz, and Mr. David Luna, bankruptcy attorney for Carlos Simental, an alleged previous owner of the plating business. EPA was told that due to a lack of financial resources, it would be difficult to comply with this request.

EPA returned to the Site to conduct a preliminary assessment on January 11, 1995 and observed the conditions and substances described in Paragraph 2 above and Paragraph 5 below. Based on these conditions, EPA determined that the Site poses a potential threat to human health, welfare and the environment and that emergency removal actions are required. During the January 11 assessment, EPA met Mrs. DeAngelis and gave her a second oral Notice of Federal Interest. Mrs. DeAngelis informed EPA that she was willing to undertake removal activities at the Site and had hired an Environmental Consultant.

A written Notice of Federal Interest was sent to the Respondents on January 13, 1995, requesting that as Potentially Responsible Parties ("PRPs") they initiate response actions at the Site. Respondents then instituted Site security measures and their consultant moved the drums stored outside into the building.

#### 5. Quantities and Types of Substances Present

Data from the preliminary assessment indicate that the materials on Site include heavy metal and cyanide contaminated sludge and debris, plating bath solutions, and an assortment of acid and base liquids. The substances of concern include cyanide solids and liquids, strong acids, caustics, and sludge and salts containing cadmium, chromium, copper, lead, nickel, and zinc. The following is an inventory of the hazardous substances found at the Site:

- Approximately 75 drums were stored outside, adjacent to the building. The majority of these drums are labeled either "waste paint remover strip" or "solid acid sulfuric strip nickel chrome and copper". The drums are in poor condition, and several were observed to have open tops or to be leaking. Hazard characterization (HAZCAT) samples were collected from several drums. All of the drums tested were found to have a pH less than 2, with the exception of one drum which was found to have a pH of 10. The drums have been exposed to the elements but are stored within a

secondary containment unit. Residual liquid contained within this secondary containment unit was found to have a pH less than 2. On January 17, 1995, Respondents' contractor relocated these drums to the interior of the facility. Several of the drums are still leaking, and the threat of a release still exists.

- There are 29 plating vats located within the main plating room of the facility. The volume of liquids and sludges within these vats is estimated to be approximately 13,500 gallons. Information collected by EPA indicates that these vats constituted the main plating line and contained acidic and alkaline cleaning solutions and chrome, nickel, copper and cyanide plating bath solutions. HAZCAT results from one of the vats confirmed the presence of cyanide.

- Approximately 25 drums are located within the main plating room. These drums are labeled "nitric acid", "bleach" or are not labeled. These drums are in poor condition, and several either have open tops or are leaking.

- Approximately 65 drums are present in a storage room adjacent to the main plating room. Approximately 55 of these drums are labeled "nickel sulfate/chromic acid/copper sulfate." The remaining drums are labeled "nitric acid" or are not labeled. These drums are also in poor condition, and several either have open tops or are leaking.

- Approximately 110 one to five gallon containers are present in a different storage room adjacent to the main plating room. According to the labels, plating additives are stored within these containers.

- Three waste-water storage tanks are present within the building. Two of the tanks are labeled "toxic waste-water". One tank appears to have a capacity of approximately 2,000 gallons while the other tank appears to have a capacity of approximately 1,000 gallons. The third tank is labeled "cyanide waste-water" and appears to have a capacity of approximately 500 gallons. There is some liquid remaining

in these tanks but the actual volume is unknown.

- A waste-water treatment system including holding tanks and clarifiers is also present within the main plating room. The volume of waste-water within this system is unknown.

- Approximately 20 bags labeled ferrous sulfate, 15 bags labeled sodium bisulfate, and 5 drums labeled caustic soda (50% solution) are present within the main plating room.

- The floor of the main plating room is covered with sludge material, product spillage, and grinding/ polishing dust. The floor of adjacent rooms also contains some residual materials.

#### 6. Threats to Public Health and Welfare

A continued and/or unmitigated release of Cyanide, Cadmium, Chromium, Copper, Lead, Nickel, and Zinc would constitute a threat to the local human and animal populations, as well as to ground and surface waters. The following exposure hazard information is presented in the NIOSH Pocket Guide to Chemical Hazards:

- Cyanide attacks the cardiovascular system, central nervous system, liver, kidneys and skin. When cyanide and acid are mixed, the resulting gas can cause asphyxiation and death.

- Cadmium effects the respiratory system, kidneys, prostate and blood and is a carcinogen.

- Chromium and its related compounds effect the respiratory system, blood, liver, kidneys, eyes and skin and is a carcinogen.

- Copper effects the eyes, skin, respiratory system, liver and kidneys.

- Lead effects the gastrointestinal tract, central nervous system, kidneys, blood and gingival tissues.

- Nickel effects the lungs, paranasal sinus, central nervous system and is a carcinogen.

- Zinc effects the respiratory system, skin and eyes. These materials are hazardous substances as defined by

Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

### III. CONCLUSIONS OF LAW

Based on the Findings of Fact set forth above and the Administrative Record supporting this removal action, EPA has concluded that:

1. The Nu-Way Plating Shop Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

2. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

3. Respondents are the current "owner(s)" of the Site as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondents are therefore liable persons under Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

4. The contaminants found at the Site, as identified in Section II, Paragraphs 5 and 6 above, include "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

5. The conditions described in the Findings of Fact (Section II) above constitute an actual or threatened "release" of a hazardous from a facility as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

### IV. DETERMINATIONS

Based on the above Findings of Fact and Conclusions of Law, the Director, Hazardous Waste Management Division, EPA Region IX, has made the following determinations:

1. The actual or threatened release of hazardous substances at and from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment.

2. The actions required by this Order, if properly performed, are not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300 ("NCP") and CERCLA, and are necessary to protect the public health, welfare, or the environment.

3. Conditions present at the Site constitute a threat to public health or welfare or the environment based upon

consideration of the factors set forth in Section 300.415(b). These factors include, but are not limited to, the following:

a. Actual or potential exposure to hazardous substances by nearby populations, animals, or food chain

As noted in Section II (Findings of Fact) above, there are residences located immediately adjacent to the facility and a homeless person has been observed living within the facility. Anyone entering the building could be exposed to hazardous substances present in vats, waste containers, and on the floor. The presence of both acids and cyanide together at this Site represents a substantial risk of fire and release of highly toxic and potentially lethal fumes on-Site and into the surrounding neighborhood.

b. Actual or potential contamination of drinking water supplies

The floor of the facility and the internal drainage system within the facility are severely contaminated. There is a significant possibility that there has been a long-term ongoing release of heavy metal contaminated waste-water to the soil beneath the facility. Any such soil contamination would be a potential source of contamination for groundwater which may supply drinking water wells.

c. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release

As described in Section II (Findings of Fact) above, the plating vats are in poor condition and a significant amount of the contents of the vats has been detected on the outside wall of the vats and on the floor surrounding the vats. Many of the drums holding hazardous substances are in poor condition. Several of the drums either have open tops or are leaking. If left in their current condition, all of these containers pose a substantial threat of release.



d. Availability of other appropriate Federal or State response mechanisms to the release

No federal or State response mechanisms are available to respond to this Site.

V. ORDER

Based upon the foregoing Findings, Conclusions, and Determinations, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), it is hereby Ordered that the Respondents undertake the following actions under the direction of EPA's On-Scene Coordinator.

Effective Date

1. The effective date of this Order shall be the date of signature by the Director, Hazardous Waste Management Division.

2. Except where this Order specifically provides otherwise, its obligations shall be effective three (3) calendar days following the effective date of this Order unless a conference is requested as provided below. If a conference is requested, this Order shall be effective on the third (3rd) calendar day following the day of the conference unless modified in writing by EPA.

Notice of Intent to Comply

3. Within forty-eight (48) hours after the receipt of the Order, the Respondents shall provide notice to EPA, orally or in writing, stating their intention to comply with the terms of this Order. Oral notification must be followed in writing within three (3) calendar days after receipt of the Order. In the event any Respondent fails to provide such notice, that Respondent shall be deemed not to have complied with the terms of this Order.

Work to be Performed

4. Upon receipt of this Order, the Respondents shall provide twenty-four (24) hour security at the Site which meets with EPA approval.

5. The Respondents shall immediately restrict access to the Site and shall not allow any materials, equipment, or any other

item to be removed from the Site without prior EPA approval.

6. Within seven (7) calendar days after the effective date of this Order, the Respondents shall submit to EPA for approval, a Work Plan for the removal activities set forth in Paragraphs 10 and 11 of this Section, below. The Work Plan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order, and shall include a proposed schedule for implementing and completing the activities. The Work Plan shall be reviewed by EPA, which may approve, disapprove, require revisions to, or modify the Work Plan. Respondents shall implement the Work Plan as finally approved by EPA. Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order.

7. The Work Plan shall contain a Site safety and health plan, a transportation and disposal plan, and a schedule of the work to be performed. The Site safety and health plan shall be prepared in accordance with EPA's Standard Operating Safety Guide, dated November, 1984, and updated July, 1988, and with the Occupational Safety and Health Administration (OSHA) regulations applicable to Hazardous Waste Operations and Emergency Response, 29 C.F.R. Part 120. The Work Plan and other submitted documents shall demonstrate that Respondents can properly conduct the actions required by this Order.

8. Respondents shall retain an environmental contractor qualified to undertake and complete the requirements of this Order, and shall notify EPA of the name of such contractor within three (3) days of the receipt of this Order. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by Respondents. In the event EPA disapproves of a selected contractor, Respondents shall retain a different contractor to perform the work, and such selection shall be made within two (2) business days following EPA's disapproval.

9. Within three (3) calendar days after EPA approval of the

Work Plan, Respondents shall commence implementation of the Work Plan as approved or modified by EPA. Failure of Respondents to properly implement all aspects of the Work Plan shall be deemed to be a violation of the terms of this Order.

10. The Work Plan shall require Respondents to perform, and complete within thirty (30) calendar days after approval, at a minimum, the following removal activities:

- a. Post signs indicating the Site contains hazardous materials and substances.
- b. Sample and characterize all containerized substances and any other potentially hazardous materials present at the Site.
- c. Perform air monitoring and sampling in accordance with OSHA requirements during all phases of the removal action, whenever there is a potential for airborne releases of toxic air contaminants. Operational controls such as dust containment and/or suppression should be used to abate fugitive dust emissions.
- d. Remove non-hazardous equipment and debris to provide adequate space for response operations.
- e. Obtain the services of a state-licensed hazardous waste hauler for transportation and disposal of waste material.
- f. Prepare all hazardous substances for proper transportation for disposal, or where feasible, alternative treatment or reuse/recycle options. Preparation may include bulking of compatible substances, direct shipment for reuse, recontainerization of materials into Department of Transportation specification containers, lab packing small quantities, solidification of liquid wastes, and neutralization or other on-site treatment of wastes.
- g. Submit copies of hazardous wastes manifests related to the above required transportation and disposal activities to EPA.

11. The Work Plan shall also require the Respondents to perform, and complete within sixty (60) calendar days after approval of the Work Plan, the following removal activities:

- a. Remove grossly contaminated equipment, structures and debris for proper disposal. Decontaminate structures to non-hazardous levels and minimize the volume of hazardous wastes. This may include the partial, or even total, demolition of the building in order to permit access to areas of contamination.
- b. Conduct surface and subsurface soil sampling to determine the nature of any contamination.
- c. Dispose of or stabilize contaminated soils found at or near the surface.
- d. Submit copies of hazardous wastes manifests, related to this paragraph to EPA.

12. Respondents shall inform EPA at least forty-eight (48) hours prior to commencement of on-Site work.

13. All sampling and analysis shall be consistent with the "Quality Assurance/Quality Control Guidance for Removal Activities": "Sampling QA/QC Plan and Data Validation Procedures," EPA OSWER Directive 9360.4-01, dated April, 1990.

Compliance With Other Laws

14. Respondents shall perform all actions required pursuant to this Order in accordance with all applicable federal, state, and local laws and regulations except as provided in Section 121(e) of CERCLA, 42 U.S.C. § 9621(e), and Section 300.415(i) of the NCP. In Accordance with Section 300.415(i), all on-Site actions required pursuant to this Order shall, to the extent practicable, as determined by EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements ("ARARs") under federal environmental, state environmental or facility siting laws.

15. Any hazardous substance, pollutant, or contaminant transferred off-Site as a result of this Order must be taken to facility acceptable under the EPA Off-Site Rule, 40 C.F.R.

§ 300.440, in accordance with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3).

Project Coordinators

16. With three (3) days of receipt of this Order, the Respondents shall designate a Project Coordinator. To the greatest extent possible, the Project Coordinator shall be present on site or readily available during site work. EPA has designated Tom Dunkelman as its On-Scene Coordinator ("OSC"). The OSC and the Project Coordinator shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communication between Respondents and EPA, and all documents, reports, and all other correspondence concerning the activities relevant to this Order, shall be directed through the OSC and the Project Coordinator.

17. EPA and Respondents shall each have the right to change their respective designated OSC or Project Coordinator. EPA shall notify the Respondents, and Respondents shall notify EPA, as early as possible before such a change is made, but in no case less than twenty-four (24) hours before such a change. Notification may initially be oral, but shall promptly be reduced to writing.

18. EPA's OSC shall have the authority vested in an On-Scene Coordinator by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by EPA or the Respondents.

19. All instructions by the EPA OSC or his designated alternate shall be binding upon Respondents as long as those instructions are not clearly inconsistent with the NCP.

20. The provisions of this Order and the directions of the OSC shall be binding on Respondents' employees, agents, successors, and assigns.

Extensions

21. No extensions to the above time frames shall be granted without sufficient cause. All extensions must be requested in

writing, and shall not be deemed accepted unless approved in writing, by EPA.

Reporting and Record Retention

22. Respondents shall provide EPA with written weekly summary reports. These reports shall contain a summary of the previous week's activities and up-coming activities.

23. The Respondents shall submit a final report summarizing the actions taken to comply with this Order. The report shall contain, at a minimum: identification of the facility, a description of the locations and types of hazardous substances encountered at the facility upon the initiation of work performed under this Order, a chronology and description of the actions performed, a discussion of how all problems were resolved, a listing of quantities and types of materials removed from the facility, a discussion of removal and disposal options considered for any such materials, a listing of the ultimate destination of those materials, and a presentation of the analytical results of all sampling and analysis performed and accompanying appendices containing all relevant paperwork prepared during the action (e.g., manifests, invoices, bills, contracts, permits). The final report shall also include the total cleanup costs incurred for all removal activities and an affidavit from a person who supervised or directed the preparation of that report. The affidavit shall certify under penalty of law that based on personal knowledge and appropriate inquiries of all other persons involved in preparation of the report, the information submitted is true, accurate, and complete to the best of the affiant's knowledge and belief. The report shall be submitted within thirty (30) days of completion of the work required by this Order.

24. Respondents shall retain copies of all records and files relating to hazardous substances found on the Site for six (6) years following completion of the activities required by this Order and shall make them available to EPA prior to the termination of the removal activities under this Order.

25. All notices, reports, and requests for extensions submitted under the terms of this Order shall be sent by certified mail, return receipt requested, and addressed to the following:

one copy to: Tom Dunkelman  
On-Scene Coordinator (H-8-3)  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 744-2319

one copy to: Gavin McCabe  
Assistant Regional Counsel (RC-3-1)  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 744-1334

#### VI. ACCESS

1. To the extent that the Site, or other areas where work under this Order is to be performed is owned by, or in possession of, someone other than the Respondents, the Respondents shall obtain all necessary access agreements. In the event that after using their best efforts Respondents are unable to obtain such agreements, Respondents shall immediately notify EPA.

2. Respondents shall provide access to the Site to EPA employees, contractors, agents, and consultants at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, including taking photographs and videotapes of the Site, to do cleanup/stabilization work, to take samples, to monitor the work under this Order, and to conduct other activities which EPA determines to be necessary.

#### VII. ACCESS TO ADMINISTRATIVE RECORD

1. The Administrative Record supporting the selection of the response action for this Site is available for review on normal business days between the hours of 9:00 a.m. and 5:00 p.m. in the Office of Regional Counsel, U.S. EPA, Region IX, 75 Hawthorne Street, 16th Floor, San Francisco, California. If additional information becomes available, EPA will revise the

Administrative Record to reflect such material. To review the Administrative Record contact Gavin McCabe at (415) 744-1334.

**VIII. OPPORTUNITY TO CONFER**

1. With respect to the actions required above, the Respondents may within one (1) calendar day after effective date of this Order, request a conference with EPA. Any such conference shall be held within three (3) calendar days from the date of request unless extended by mutual agreement of the parties. At any conference held pursuant to the request, the Respondents may appear in person, or by telephone, or be represented by an attorney or other representative. If any Respondent desires such a conference, the Respondent shall contact Gavin McCabe, Assistant Regional Counsel, at (415) 744-1334.

2. If such a conference is held, the Respondents may present any evidence, arguments or comment regarding this Order, its applicability, any factual determinations upon which the Order is based, the appropriateness of any action which the Respondents are ordered to take, or any other relevant and material issue. Any such evidence, arguments or comments should be reduced to writing and submitted to EPA within three (3) calendar days following the conference. If no conference is requested, any such evidence, arguments or comments must be submitted in writing within three (3) calendar days following the effective date of this Order.

3. The Respondents are hereby notified that EPA will take any action which may be necessary in the opinion of EPA for the protection of public health and welfare and the environment, and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for all past and future costs of these government actions.

**IX. ENDANGERMENT DURING IMPLEMENTATION**

1. If any incident, or change in Site conditions, during the actions conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the



Site or an endangerment to the public health, welfare or the environment, the Respondents shall immediately take all appropriate action. Respondents shall take these actions in accordance with all applicable provisions of this Order, including the health and safety plan, and shall immediately notify the OSC of the incident or Site conditions.

2. The Director, Hazardous Waste Management Division, EPA Region IX, may determine that acts or circumstances (whether related to or unrelated to this Order) may endanger human health, welfare, or the environment, and as a result of this determination, may order the Respondents to stop further implementation of this Order until the endangerment is abated.

#### X. OTHER CLAIMS

1. By issuance of this Order, the United States and EPA and their representatives shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of the Respondents, their employees, contractors, or other representatives caused by carrying out this Order. The United States Government is not a party to any contract entered into by the Respondents or their representatives in carrying out actions pursuant to this Order.

2. This Order does not constitute a pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

3. Nothing contained herein shall be construed to prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. § 9601, et seq., or any other applicable law.

#### XI. PENALTIES FOR NONCOMPLIANCE

Respondents are advised pursuant to Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject each noncomplying Respondent to a

civil penalty of up to \$25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the failure of the Respondents to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

**XII. SEVERABILITY**

If any provision of this Order is deemed invalid or unenforceable, the balance of this Order shall remain in full force and effect.

THIS ORDER IS ISSUED on this 30th day of January, 1995.  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: Jeff Zelikson  
Jeff Zelikson, Director  
Hazardous Waste Management Division  
United States Environmental Protection Agency  
Region IX

civil penalty of up to \$25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the failure of the Respondents to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

## XII. SEVERABILITY

If any provision of this Order is deemed invalid or unenforceable, the balance of this Order shall remain in full force and effect.

THIS ORDER IS ISSUED on this \_\_\_\_\_ day of \_\_\_\_\_, 1995.  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: \_\_\_\_\_  
Jeff Zelikson, Director  
Hazardous Waste Management Division  
United States Environmental Protection Agency  
Region IX

MAIL CODE	DRC	H-8-3	H-8-4	H-8-5	H-8	
SURNAME	McCabe	Qell	Knelson	MB	Wich	
DATE	1/30/95	1/30/95	1/30/95	1/30/95	1/30/95	

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY

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